

**[Underlined material is added to the code, Strikethrough material is deleted.  
Information in normal typeface is already existing code.]**

## Chapter 15.05 BUILDING CODES\*

### Sections:

- [15.05.010](#) Authority.
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- [15.05.130](#) Code amendments and clarifications.

\*[Codifier's Note: The latest adopted editions and amendments of the technical, construction and building codes, and appendices thereto, referred to in this title are on file and may be consulted by the public at the Building Section, Community Development Department, 2025 Kresky Ave., Chehalis, WA 98532-1900.]

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### **15.05.020 Adoption of codes.**

(1) The below listed documents, one copy of each of which is on file in the office of the auditor of Lewis County, and below designated statutes of the state of Washington are each hereby referred to and adopted and made a part hereof as if fully set forth in this chapter, subject to the amendments thereto as hereinafter provided. The provisions of the below stated codes may be subject to amendment.

(a) The 2009 Edition of the International Building Code (IBC) and International Code Council (ICC)/ANSI A117.1-2003, including Appendix Chapter J (with additions and amendments thereto), as set forth in Chapter [51-50](#) WAC, with the following additions and amendments, is hereby adopted by reference:

IBC 306.2 Factory Industrial F-1 Moderate-hazard Occupancy is amended to include the following additional occupancies:

Marijuana growing of more than 15 plants  
Marijuana processing

IBC 312.1 Utility and Miscellaneous Group U is amended to include the following additional occupancies:  
Greenhouses and other structures used for cultivation, protection, or maintenance of plants (including marijuana growing of 15 or fewer plants);

(b) The 2009 International Residential Code for One- and Two-Family Dwellings (IRC), including Appendix Chapter G, as set forth in Chapter [51-51](#) WAC;

(c) The 2009 International Mechanical Code (IMC), as set forth in Chapter [51-52](#) WAC;

(d) The 2009 Uniform Plumbing Code (UPC), published by the International Association of Plumbing and Mechanical Officials (IAPMO), and adopting Chapter [51-56](#) WAC, and Plumbing Code Appendices, Chapter [51-57](#) WAC;

(e) The Washington State Energy Code, as set forth in Chapter [51-11](#) WAC, the Washington State Ventilation and Indoor Air Quality Code, as set forth in Chapter [51-13](#) WAC, and the Washington State Historic Building Code, as set forth in Chapter [51-19](#) WAC;

(f) The 2006 International Fire Code, published by ICC, as set forth in Chapter [51-54](#) WAC; and specifically Section 307, as published by the International Code Council and as amended by WAC [51-540-300](#) et seq., and with the following additions and amendments and references thereto, and specifically county road and access standards under Chapter [12.60](#) LCC, is hereby adopted by reference:

105.6.3a Carbon dioxide systems. A license under LCC 5.20.030 is required for carbon dioxide systems having more than 100 pounds of carbon dioxide if used to process marijuana; if not used to process marijuana, an operational permit is required.

105.6.3b Marijuana extraction systems. A license under LCC 5.20.030 is required to use a marijuana/cannabis extraction system regulated under WAC 314-55-104.

105.7.14 Marijuana extraction systems. A construction permit is required to install or construct a marijuana/cannabis extraction system regulated under WAC 314-55-104.

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled. For purposes of this section, a Lewis County open burning permit shall be issued by the County Building Official, as the fire code official pursuant to Section 103, et seq.

307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed. See also Chapter [173-425](#) WAC. The Lewis County Building Official shall administer a permitting system under the provisions of Section

307 of the International Fire Code for outdoor burning, and shall adopt and enforce rules and procedures on issuance of such permits and the processes whereby such permitting will be conducted, as follows:

307.2.1.1 Silviculture exception. All silvicultural outdoor burning conducted in accordance with State law and rules and regulations adopted by the Department of Natural Resources are exempt from the county's permit requirements.

307.2.1.2 Agriculture exception. All agricultural outdoor burning conducted in accordance with state law and rules and regulations adopted by the Department of Ecology are exempt from the county's permit requirements.

EXCEPTION: Recreational fires shall be in accordance with Section 307.3.2.

307.2.1.3 Notification. Prior to commencement of open burning, if unregulated by the Lewis County open burning permit program, the fire department shall be notified. Prior to commencement of open burning in unincorporated areas under the Lewis County permit program, the county website or telephone messaging system of the Lewis County Building Official, under his/her authority as Fire Marshal, shall be contacted in accordance with permit requirements regarding weather conditions and open burning restrictions.

307.2.2 Prohibited open burning. Open burning that will be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. Lewis County is authorized to order the extinguishment by the permit holder or the fire department of open burning which creates or adds to a hazardous or objectionable situation, as set forth below.

307.2.2.1 Material restrictions. Open burning of rubbish containing paper products is prohibited. All outdoor fires shall be restricted to natural vegetation grown on the property where the burning occurs, consisting of leaves, clippings, pruning, residue from trees, stumps or other natural occurring vegetation. All other material is prohibited except what paper is necessary to ignite the burning process. Persons conducting a campfire may use commercial artificial logs generally designed for campfires.

307.2.2.2 Time and atmospheric restrictions. Open burning shall only be performed when time and atmospheric conditions comply with the limits set forth in the County's open-burning permit. Further, no open burning shall be performed during periods of discontinuance by the Building Official, as below discussed, by virtue of any other state agency or regional air quality authority permit or approval system, even if performed at such times and during atmospheric conditions which comply with the limits set forth in that other system, except where such permit or approval system expressly preempts local Building Official authority regarding discontinuance.

307.2.2.3 Burn periods and sizes. Outdoor burning regulated by a permit system shall require that only vegetation piles with outside dimensions no greater than 20 feet by 20 feet by 12 feet high shall be

allowed during the period from October 16th through June 30th. No fires shall be allowed between the period of July 1st and October 15th, except by a permit system, which shall include a 48-hour expiration on permits, the requirement of day-to-day monitoring of public announcements or postings by the Building Official on open burning restrictions, and that fires during this period shall be limited to vegetation piles with outside dimensions of no greater than twelve feet by twelve feet by eight feet high.

307.2.2.4 Restrictions on burn periods. No open burning shall be done during the declared period of impaired air quality or during a discontinuance of open burning ("burn ban") by the County Building Official. Burning conditions shall be obtained each day before starting to burn. Phone number will be provided on the permit or can be obtained from the County Building Official. Burning shall be conducted only during daylight hours and only one pile may be burned at a time and it must be extinguished before starting another.

307.2.2.5 Fire-extinguishing equipment. A garden hose connected to a water supply and other approved fire-extinguishing equipment, such as shovel, shall be readily available for use at open-burning site.

EXCEPTION: Fire-extinguishing equipment for recreational fires shall be in accordance with Section 307.4.1.

307.2.2.6 Discontinuance. The Building Official and the Lewis County Code Compliance Officer are authorized to require that open burning be immediately discontinued if the Building Official or the Lewis County Code Compliance Officer determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the Building Official or the Lewis County Code Compliance Officer to constitute a potentially hazardous condition, Lewis County reserves the right under this section, to the fullest extent of its powers and as permitted by statute and the state constitution, to order discontinuance, as below discussed, of any manner of open burning authorized by any other public or private authority, which could threaten persons or property and the public health, safety or general welfare.

307.2.2.7 Discontinuance order on open-burning. The Building Official is authorized, to the fullest extent of County powers and as permitted by statute and the state constitution, to issue an emergency discontinuance order or 'burn ban' against all outdoor burning, including bonfires and recreational fires, noted in Section 307.3.1 & 307.3.2, authorized by any public or private authority, if he/she determines that conditions exist which immediately and potentially threaten persons or property and the public health, safety or general welfare. The Building Official shall promptly notify the board of commissioners of said discontinuance order or 'burn ban' and the reasons therefore. The board of commissioners, as soon as practical, shall at a public meeting to determine whether to extend the discontinuance order or 'burn ban' for an indefinite period. If extended, the discontinuance order or 'burn ban.' would remain in effect until the board of county commissioners resolve that the order be lifted. The Building Official shall be responsible for public announcements or postings for both "burn ban" and resumption on open-burning.

307.2.2.8 Enforcement. For purposes of Sections 103 - 111 of the IFC, the Building Official and the Lewis County Code Compliance Officer shall be responsible for enforcement of Section 307, as amended, and issue notices of violation to the person(s) responsible for the fire as set forth in Section 307.2.2.9, below. During discontinuance orders issued under Section 307.2.2.6, the Building Officer (or his designee), the Lewis County Code Compliance Officer or the Lewis County Sheriff the may issue notices of violation for any open fire ignited in violation of Section 307, as amended, to the person(s) responsible for the fire as set forth in Section 307.2.2.9, below.

307.2.2.9 Penalties. A violation of Section 307, as amended, may subject a person to a civil enforcement under Section [1.20.040](#) of the Lewis County Code, to criminal citation under the penalties proscribed in RCW [70.94.430](#)(1), and as to any other remedy authorized in Ch. [70.94](#) RCW. If a fire protection authority is called to respond to, control or extinguish an illegal or out-of-control fire, such fire control authority may charge and recover from the person responsible for the fire the costs of its response and control action. Any person violating this Section will also be responsible civilly for any damage or injury caused to persons or property.

307.3 Location. The location for open burning shall not be less than 50 feet (15,240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15,240 mm) of any structure.

EXCEPTIONS:

1. Fires in approved containers that are not less than 15 feet (4,572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7,620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.
3. The minimum required distance from a structure shall be not less than 50 feet for pile sizes greater than four feet by four feet.
4. No fires are permitted in or within 500 feet of forest slash without first obtaining a written permit under the rules of large fire permits.

307.3.1 Bonfires. A bonfire shall not be conducted within 50 feet (15,240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15,240 mm) of a structure shall be eliminated prior to ignition.

307.3.2 Recreational fires. Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. See also chapter [173-425](#) WAC.

307.4 Attendance. Open burning, bonfires and recreational fires shall be constantly attended until the fire is extinguished, for purposes of permitted open burning, approved on-site fire-extinguishing equipment as required under Section 307.2.2.5, shall be available for immediate utilization.

307.4.1 Attendance at Recreational Fires. A recreational fire shall be constantly attended by a person knowledgeable in the use of the required fire extinguishing equipment and familiar with the County discontinuance or "burn ban" processes which restrict open burning. Buckets, shovels, garden hoses or a fire extinguisher complying with Section 906 with a minimum 4-A rating shall be readily available for use at recreational fires. An attendant shall supervise the recreational fire until the fire has been extinguished.

508.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method.

EXCEPTIONS:

1. Fire flow is not required for structures under 500 square feet with a B, U or R-1 occupancy where structures are at least 30 feet from any other structure and are used only for recreation.

2. In rural and suburban areas in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize NFPA 1142 or the International Wildland-Urban Interface Code.

(g) The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, with the following additions and amendments, is hereby adopted by reference:

501.1. Form of Appeal. Any person entitled to service under Section 401.3 may appeal from any notice and order or any action of the building official under this code by paying a \$100.00 filing fee and by filing at the office of the building official a written appeal containing:

1. A heading in the words: "Before the board of appeals of Lewis County"

2. A caption reading: "Appeal of . . . .",

giving the names of all appellants participating in the appeal.

3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.

4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the building official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the building official.

#### **SECTION 909 — REPORT TO ASSESSOR AND TAX COLLECTION: ADDITION OF ASSESSMENT TO TAX BILL**

After confirmation of the report, certified copies of the assessment shall be given to the Lewis County Treasurer who shall add the amount of the total assessment or the authorized annual installment of the next regular tax statement levied against the parcel.

#### **SECTION 910 — FILING COPY OF REPORT WITH COUNTY AUDITOR**

The building official shall file a certified copy of the assessment with the County Auditor. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.

#### **SECTION 911 — COLLECTION OF ASSESSMENT: PENALTIES FOR FORECLOSURE**

The amount of the assessment shall be collected at the same time and in the same manner and with interest at such rates as property taxes are collected as provided in RCW [84.56](#), as now or hereafter amended, and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for property taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

If the legislative body of this jurisdiction has determined that the assessment shall be paid in installments, the body may refer the assessment to the Treasurer for accounting. The Treasurer shall annually certify delinquent installment accounts, and any interest thereon, for collection according to the manner property taxes are collected.

(h) The State Building Code Council's Emergency Rulemaking Order filed June 26, 2015, enacting 51-54A-3800 with respect to the fire code for marijuana processing or extraction facilities is hereby adopted by reference.

(i) The Washington Liquor Control Board's marijuana processor license extraction requirements, codified in WAC 314-55-104 now or as hereafter amended or supplemented, are hereby adopted by reference.

(2) In case of conflict among the codes enumerated in subsections (1)(a), (b), (c), (d), the Washington State Energy Code in subsection (e), and (f) of this section, the first named code shall govern over those following; provided, in the case of conflict between the duct insulation requirements of the Washington State Energy Code and the duct insulation requirements of the International Mechanical Code, the provisions of the energy code shall govern.

(3) In the case of conflict between the ventilation requirements of the International Mechanical Code, the International Building Code, International Residential Code and the Washington State Ventilation and Indoor Air Quality Code, the provisions of the Washington State Ventilation and Indoor Air Quality code shall govern.

(4) In case of conflict between the Uniform Plumbing Code and Lewis County health board regulations with respect to the installation, maintenance or repair of septic tank systems, the more restrictive provision shall control.

(5) In case of conflict between any of the regulations adopted above relating to marijuana and other, more general regulations, the marijuana-specific regulations shall control for all marijuana-related activities, construction, and occupancies. Any activity, construction, or occupancy regulated under Chapter 314-55 WAC shall be conformed to this chapter in the approved operating plan required by LCC 5.20.030.